

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:

Miranda Anne Merchant,

Debtor

Chapter 7
Case No. 18-10457

ORDER DENYING MOTION FOR JURY TRIAL

On January 28, 2020, the Debtor filed a Motion for Jury Trial [Dkt. No. 146]. The Motion for Jury Trial is hereby DENIED. Even if the Debtor had a right to a jury trial in a civil contempt proceeding (a proposition that is dubious, at best), *see, e.g., Shilltani v. United States*, 384 U.S. 364 (1996), the right has been waived by the debtor's failure to raise that right in a timely manner, *see Fed. R. Civ. P. 38(b)* (providing that a party may demand a jury trial by filing and serving a written demand "no later than 14 days after the last pleading directed to the issue is served"); *Fed. R. Civ. P. 38(d)* ("A party waives a jury trial unless its demand is properly served and filed."); *see also Fed. R. Bankr. P. 9015(a)* (making Fed. R. Civ. P. 38 applicable in all bankruptcy cases and proceedings). Demanding a jury trial three days before the evidentiary hearing is scheduled to begin appears to be nothing more than a delay tactic, and far from a good faith attempt to assert any right that may exist under the United States Constitution.



Dated: January 29, 2020

Michael A. Fagone
United States Bankruptcy Judge
District of Maine